

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
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CRM-M No.37867 of 2024
Date of decision : 14.8.2024

Rahul Yadav	Petitioner
Versus	
State of Haryana	Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Bansal, Advocate, for the petitioner
Ms. Priyanka Sadar, AAG, Haryana

SUMEET GOEL, J. (ORAL)

The instant petition has been filed on 30.7.2024 under Section 439 of Cr.P.C. for grant of regular bail.

As per the judgment rendered by this Court titled as '*Abhishek Jain v. State of U.T. Chandigarh and another*' (CRM-M No.31808 of 2024, 2024:PHHC:085784), the instant petition is not maintainable under Section 439 Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of BNSS, 2023

1. Present petition has been filed for the grant of regular bail to the petitioner in case FIR No.181 dated 29.3.2024, under Sections 304-B and 34 of the IPC (Section 34 of IPC deleted later on), registered at Police Station Industrial Sector 29, Panipat.



2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'That my younger sister Suman daughter of Sh.Raj Kumar solemnized court marriage (love marriage) with her own will in November 2023 with Rahul Yadav son of Sh.Dinesh Yadav, resident of Vikas Nagar, near NFL Township, Panipat, which was not acceptable to us, because the boy used to remain under the influence of liquor etc. and also play gambling. Approximately one month earlier we came to know that in-laws are harassing my sister for want of dowry and also give beatings to her. This has also been told to us by their neighbours that your daughter is being harassed for dowry and also give beatings to her. My sister used to call my father from different numbers and she told that the Rahul (husband), Dinesh Yadav (father- in-law), wife of Dinesh Yadav (mother-in-law) used to give beatings to her and stated you bring money and vehicle from your family members otherwise we will kill you. That on 28.03.2024 at about 10 O'clock in the night my father Sh.Raj Kumar received a phone from Police Post Sector 29, Panipat that your daughter hanged herself and you come to the Police Post in the morning. We have no doubt rather we are confirmed that my sister has not hanged herself rather her in-laws committed murder of her, therefore it is requested that thorough investigation may be conducted and strict legal action may be taken against accused persons and justice may kindly be done to us. Thanking you, dated 29.03.2024. Sd/- Ravinder son of Sh.Raj Kumar.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 1.5.2024. Learned counsel has further submitted that a bare perusal of the FIR in question would reveal that the deceased and the petitioner had solemnized Court marriage (love marriage) with their own will, which was not to the liking of the family of the deceased. Learned counsel has further argued that the deceased has, in fact, committed suicide on account of pressure being exerted by her parental family since she had married the petitioner against their will. Learned counsel for the petitioner further submitted that a completely unnatural course of



behavior is reflected on part of the complainant as it is stated in the FIR that the police had informed the father of the deceased (complainant) on 28.3.2024 at about 10:00 p.m. (in the night) wherein after he had come to the police post on the next day in morning to have the FIR in question registered. Learned counsel for the petitioner has further argued that since the marriage between the petitioner and the deceased was Court marriage/love marriage (against the will of the family of the deceased), there was no question of demand of any dowry whatsoever. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 8.8.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 1.5.2024 wherein after investigation was carried out and challan was presented on 27.5.2024. Total 15 prosecution witnesses have been cited and the culmination of the trial will, of course, take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner and the deceased had solemnized Court marriage (love marriage), which was not to the liking of the family of the deceased, whether the police had informed the father of the deceased/complainant of FIR at about 10 O' Clock in the night on 28.3.2024 and he later on came to the police post in the morning next day,



i.e. on 29.3.2024 to have the FIR registered and affect of this aspect of the matter; whether there was demand of any dowry whatsoever since the marriage between the petitioner and the deceased was Court marriage/love marriage (against the will of the family of the deceased), shall be gone into (during the course of trial). This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 8.8.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 7 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of present case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.8.2024
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No